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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,611	08/19/1999	MARCO LARA	ATV-006	8101

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,611

Applicant(s)

LARA ET AL.

Examiner

Salad E Abdullahi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13,15 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13, and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Response to Amendment

1. The Amendment filed on 04/05/2002 has been entered and made of record.
2. Applicant's arguments filled on 04/05/2002 with regard to claims 1-2, 4-13, 15 and 19-25 have been fully considered but they are moot in view new ground of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-13, 15, and 19-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Christie et al U.S. Patent No. 6,182,117.

As per claims 1 and 24, Christie et al discloses a system for replicating changes to a master source file set on a destination file system, for access by a server (replicating changes in a master source file set i.e the local site A database on a destination file system, i.e. site B), comprising the steps of:

- identifying changes in the master source file set (identifying changes made to objects in local site's database), (see col. 3, lines 9-65 and col. 5, lines 13-20);
- storing the identified changes in a modification list (storing updates in an event table), (see col. 5, lines 13-37), comprising unique identifiers (UID) (see col. 3, lines 47-65);

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- transmitting the modification list to an agent (340) having access to a destination file stem (see col. 5, lines 13-37); and
- receiving a response from the computer indicating that the identified changes are installed (col. 6, lines 24-30 and col. 19, lines 21-27).

Although the system disclosed by Christie et al., shows substantial features of the claimed invention, as discussed above, Christie et al, is silent:

the destination computer system includes a web server.

Nonetheless, a web server is well known system, part of web services system. Furthermore, Christie et al., discloses replicating data between computer sites, computer sites are known in the art to include web servers (see col. 3, lines 9-65). Although, Christie et al., is silent the replicated computer sites include a web server, it would have been obvious to one having ordinary skill in art at the time of the invention to utilize the replicating process taught by Christie et al., in a web servers, because it is a design choice.

In considering claims 2 and 25, Christie et al., discloses a system further comprising:

transmitting the copy of a changed file of the master file set to the agent (see col. 3, lines 11-24).

In considering claims 4-8, Christie et al discloses a system, wherein the identifying step comprises the steps of:

inspecting a set of files, comparing the set of files to an earlier-recorded set (see col. 3, line 65 to col. 4, line 10, and col. 5, lines 13-37);

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installing a device driver to perform file operations and recording, by the device driver, changes to the source file set (see col. 10, lines 16-20); and receiving a manifest (table) describing changes to the source file set (see col. 3, line 65 to col. 4, line 10, and col. 5, lines 13-37).

In considering claims 9-13, Christie et al discloses s system further comprising the step of calling a script of user configurable instruction (see col. 3, lines 13-24 and col. 9, lines 44-53).

In considering claim 15, Christie et al., discloses a system, wherein the transmitting step comprises multi casting(see col. 5, lines 21-37).

In considering claim 19. The claim has a similar scope as claims 1 and 24 and is rejected under the same rationale.

In considering claims 20-23, Christie et al discloses s system further comprising:

- identifying changes in the master source file set (identifying changes made to objects in local site's database), (see col. 3, lines 9-65 and col. 5, lines 13-20);
- storing the identified changes in a modification list (storing updates in an event table), (see col. 5, lines 13-37), comprising unique identifiers (UID) (see col. 3, lines 47-65);
- transmitting the modification list to an agent (340) having access to a destination file stem (see col. 5, lines 13-37); and
- receiving a response from the computer indicating that the identified changes are installed (col. 6, lines 24-30 and col. 19, lines 21-27).

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

CONCLUSION

6. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30AM to 5:00PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervise, **Glen Burgess**, can be reached at **(703)305-4792**. Any inquiry of a general nature or relating to the status of this

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application or proceeding should be directed to the receptionist whose telephone number is
(703)305-3900.

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:


(703) 746-7238, (after final communications)

(703) 746-7239, (Official communications)

(703) 746-7240, (Non-Official/Draft).

AS

6/13/2002



Dung C. Dinh
Primary Examiner